



north marin water district

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Comment Letter L-3

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AUG 22 2002

COASTAL CONSERVANCY
OAKLAND, CALIF.

August 21, 2002

Tom Gandesbery
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

Eric Jolliffe
U. S. Army Corps of Engineers
San Francisco District
333 Market Street, 7th Floor
San Francisco, CA 94105

Subject: Draft General Reevaluation Report and Draft Supplemental Environmental Impact Report/Environmental Impact Statement (EIR/EIS)
Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project
SCH #1998031053

Dear Messrs Gandesbery and Jolliffe:

North Marin Water District (NMWD) is in receipt of the subject reports and appreciates the opportunity to comment. We note that the General Reevaluation Report (GRR) makes no mention of the NMWD's participation as a stakeholder in the Wetland Restoration Project group meetings, nor does the GRR mention NMWD's needed water transmission pipeline extension from the Ammo Hill water tank at Hamilton Field to the Bel Marin Keys residential area near Headquarters Hill. We are pleased to see that the draft supplemental EIR/EIS does comment on NMWD's needed water transmission line within the Introduction and Summary of the Description of Alternatives (Chapter 3, page 3-4). That description states:

"It is conceivable that the waterline could be built during construction of the proposed BMK V expansion. The likely location of the line would be along the new or improved levees constructed along the western side of the BMK V parcel. The NMWD would need to obtain an easement from the Conservancy.

Simultaneous construction of the waterline and the restoration project is feasible within the designs proposed. Neither constructing the waterline nor granting the easement is included as part of the proposed BMK V expansion. However, the design alternatives do not preclude granting the easement or constructing the waterline. The Corps and Conservancy will work with the NMWD to examine how the waterline planning can be incorporated into the final design of the BMK expansion. If the proposed waterline extension is later determined to result in any additional impacts beyond those analyzed in this document for

L-3.1



earthworks construction and habitat restoration, a supplemental environmental compliance document may be necessary."

L-3.1
Con't.

NMWD formally requests to begin work on easement language to accommodate the proposed waterline and to address any potential construction impacts within the scope of the subject EIR/EIS prior to its finalization. NMWD will agree to fund the reasonable incremental cost necessary to address the waterline within the environmental document now being prepared.

L-3.2

Should you have any questions regards this comment, please contact me.

Sincerely,



Chris DeGabriele
General Manager

cc:

Supervisor Cynthia Murray, Fifth District
Marin County Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Tom Selfridge, General Manager/Chief Engineer
Novato Sanitary District
500 Davidson Street
Novato, CA 94945

Steve Wallace, City Engineer
City of Novato
900 Sherman Avenue
Novato, CA 94945

CD/jsa

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L-3 North Marin Water District (NMWD)

L-3.1

The GRR has been corrected.

L-3.2

As noted in chapter 3 of the SEIR/EIS, the Corps and Conservancy are willing to work with NMWD to examine how waterline planning can be incorporated in the final design of the project. As part of this future planning, the Conservancy is willing to work with NMWD on an easement for the waterline.

However, there is currently no easement for the waterline and the waterline represents a separate project proposed for purposes outside those authorized for the HWRP and the BMKV expansion. As such, analysis of the waterline is outside the authority and scope of the project and thus is outside the scope of analysis in the SEIR/EIS.

Nevertheless, depending on timing, construction impacts of a future waterline may be reduced by coordination with construction proposed for wetland restoration. In addition, future environmental compliance, as necessary for the waterline, can tier off the information presented in the BMKV expansion SEIR/EIS and can incorporate many of the mitigation measures adopted therein. This is likely to reduce the costs that NMWD may incur for environmental compliance.

The Corps and Conservancy are willing to share relevant information developed for the wetland restoration project with NMWD during design and permitting phase that will also likely benefit NMWD in its planning.



August 30, 2002

Tom Gandesbery
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

**Re: Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project
Draft Supplemental Environmental Impact Report / Environmental Impact Statement**

Dear Tom:

I am writing to submit comments on behalf of the San Francisco Bay Trail Project on the Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project Draft Supplemental EIR / EIS, dated July 2002. The Bay Trail Project is an organization administered by the Association of Bay Area Governments (ABAG) that coordinates implementation of the Bay Trail. When complete, the Bay Trail will be a continuous 400-mile network of bicycling and hiking paths that will encircle San Francisco and San Pablo bays in their entirety.

The following comments relate to the EIR:

Bay Trail Plan

On page 2-8 it states that "the Bay Trail Plan is not legally mandated and relies on implementation by local government and other agencies." While it is true that construction of the trail is the responsibility of the local jurisdictions along the adopted alignment, there is a legal mandate for the plan. Senate Bill 100, adopted by the State legislature in 1987, directed the Association of Bay Area Governments to develop a plan and implementation program. The Bay Trail Plan was adopted by the ABAG Executive Board in 1989 and has been incorporated into the City of Novato and County of Marin General Plans.

L-4.1

Wildlife and Public Access Study

The study conducted by independent consultants to the Bay Trail Project addressing the relationship between trail use and shorebird behavior in foraging habitat is described on pages 4-93 and 4-94. It should be made clear that the three locations studied in the Bay Area included trail sites and control sites.

L-4.2

In addition, final study results from will be available in 2003. The recommendations from the study should be considered in design and implementation of the trail in the Hamilton and Bel Marin Keys restoration projects.

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COASTAL CONSERVANCY
OAKLAND, CALIF.

Construction of Trail

Figures 3-3, 3-7, and 3-10 identify construction timing of the Bay Trail and spurs in Phase III "Earthwork, Revegetation and Tidal Connection." Instead, we recommend that trail construction be part of Phase I "Site Preparation." In order to minimize impacts to future sensitive habitats created as part of the restoration effort, trail construction should occur **before** wetland creation and levee breaching. This recommendation is described in Impact BIO-36. A description of trail construction details should be included in the Construction Approach for each alternative.

L-4.3

The three alternatives propose trail alignments along existing and new levees. The cross sections for the three alternatives in Figures 3-2, 3-6, and 3-9 show the trail along the slope of the levee, but it is not clear how the trail will be incorporated into the levee design. If a step in the levee is proposed to accommodate the trail, as implied in the cross section drawings, this design element should be incorporated into levee construction. Figure 3-12 "Typical New and Improved Levee Cross Sections" does not show the trail step.

L-4.4

Mitigation Measures

The following mitigation measures BIO-12, BIO-16a, BIO-16b, BIO-17b, and BIO-18b recommend establishment of seasonal trail closures during peak breeding seasons of special-status species. This recommendation is premature, and should instead read "consider seasonal closures..." Mitigation Measure BIO-11 requires development of a coordinated trail design and management plan with BCDC, DFG, USFWS, City of Novato, County of Marin and the Bay Trail Project. It is through this process that specific design and management requirements will be developed along the adopted trail alignment.

L-4.5

It is premature to require seasonal closure of a proposed trail before the wetland habitat has been established. Physical buffers such as vegetation, fencing and stepped trail design will be incorporated into the trail design as required, and seasonal closures will be considered as a tool to reduce significant impacts. Instead, we suggest ongoing monitoring of wetland restoration development as stated in the above mitigation measures:

Monitor wetland restoration development to determine if and when California Clapper Rails, California Black Rails, or other sensitive bird species begin using restored tidal marsh for breeding.

The following mitigation measures for Bay Trail spurs BIO-16b, BIO-17b, and BIO-18b state:

Locate trail a minimum of 300 feet from tidal marsh habitat.

There is no reference in the document where this standard comes from. It is not clear from this statement whether the buffer distance refers to existing or future tidal marsh. The trail design and management plan required in Mitigation Measure BIO-11 will consider specific standards along the alignment. We recommend removal of this requirement since the mandated trail design plan will incorporate buffers and physical barriers to reduce impacts.

L-4.6

If you have additional questions I can be reached at (510) 464-7909 or laurat@abag.ca.gov.

Sincerely,

Laura Thompson

Laura Thompson
Bay Trail Planner

L-4 Association of Bay Area Governments, Bay Trail Project

L-4.1

The phrase “legally mandated” has been deleted and background information provided in the comment added to chapter 2 discussion of the Bay Trail Plan.

L-4.2

Discussion of the wildlife and public access study has been modified to note the use of both trail sites and control sites. As noted in chapter 3, the project includes trail design and development of a trail management plan in coordination with BCDC, CDFG, USFWS, Marin County, the City of Novato, and the Bay Trail project for any proposed trails. The coordination between the agencies would be informed by any new trail study results and recommendations available at that time.

L-4.3

Construction approach has been changed to note that trail construction would occur before levee breaching, which would be prior to the formation of tidal marsh in the tidal cells. In the design phase, the Corps and Conservancy will consider the timing of trail construction and whether or not proposed trails or portions of trails can be conducted in Phase I, as suggested. While trail routing is included in the conceptual design, specific design of the trails has not been conducted and thus trail construction details are not available at this time.

L-4.4

As noted in Master Response 1, the preferred alternative, Alternative 2, does not include a spur trail to Novato Creek. As such, the preferred alternative does not include a trail along the new or improved levees proposed as part of the conceptual design. The Bay Trail location adjacent to the expanded Pacheco Pond is proposed on the east slope of the existing levee. The specific design details of the “step” on the levee would be identified in the design phase.

L-4.5

Mitigation Measures BIO-12, 16a, 16b, and 18b have been altered to read “consider seasonal closures,” instead of requirement establishment of closures, prior to the coordination with relevant agencies concerning trail design and management. Mitigation Measure BIO-17b has been deleted as Spur Option 2A has been removed from Alternative 2.

L-4.6

As noted above, the preferred alternative, Alternative 2, does not include a spur option, and thus the referenced mitigation, would not apply if the preferred alternative is implemented. The source of the 300-foot distance is a conservative interpretation of a 250-foot buffer that has been previously recommended

1 in the LTMS Biological Opinion and for activities that have occurred as a result of restoration activities
2 under the HWRP. This mitigation is retained for the spurs included in Alternatives 1 and 3. It should be
3 noted that this mitigation was only proposed for the spur trails to Novato Creek (which contains existing
4 occupied California Clapper Rail habitat), but not for the Bay Trail itself.

5

September 4, 2002

Mr. Tom Gandesbery
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530
email: belmarinkeys@jsanet.com

RE: Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project Draft
Supplemental EIR/EIS

Dear Mr. Gandesbery:

The Novato Sanitary District (District) appreciates the opportunity to provide comments on the Draft Supplemental EIR/EIS for the Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project. As you know, the District has a 54" diameter outfall pipe and a Dechlorination Facility in the immediate vicinity of the project. The replacement, relocation and/or improvements to those facilities are authorized in the existing Hamilton Wetlands Restoration Project.

District staff have met with the project sponsors on several occasions during development of the project and discussed the impact of the project on District facilities. As you know, it is imperative that these facilities be completely protected both during and after construction of the restoration project. Any disruption of these facilities could result in the failure of the community's wastewater treatment and disposal system.

The District's comments on the Draft EIR/EIS follow.

Pages 3-8, 3-21 and 3-28: Outfall access berm

The DEIS/EIR states that the top of the access berm for the outfall in all three alternatives would be built to between 4 and 6 feet NGVD. At the 4-foot elevation, equipment could only use the berm for emergency situations or scheduled or permitted repair of leaks in the pipeline. The access road would not be an "all weather" road. If the top of the access berm were built to approximately 6 feet NGVD, it would provide access for regular maintenance or inspections.

The District has previously identified the need for an all weather access road in its response to the Hamilton Wetlands Restoration Project EIR/EIS. The outfall is a critical facility that needs to be accessible during the wet weather period when the District discharges to the

L-5.1

bay. The District requests that the berm be maintained at or above the 6-foot elevation with an appropriate surface for all-weather access.

L-5.1
Con't.

Page D-7

Alternatives 1 and 3 include the installation of a new sanitary outfall pipeline along the eastern side of the expanded Pacheco Pond. This will extend the outfall by approximately 500 lineal feet. The evaluation of this alternative should include an analysis of this increased pipeline length on the District effluent pumping capacity and cost.

L-5.2

Thank you for the opportunity to comment on the DEIR/EIS. We look forward to working with the project staff to resolve the constraints presented by District facilities in the project area.

Please contact me if you have any questions or need additional information.

Sincerely,

Thomas S. Selfridge
Manager-Engineer

L-5 Novato Sanitary District (NSD)

L-5.1

The project sponsors understand the District's need for continued access to the outfall pipeline. The determination of access road height would be made during the detailed design phase. The Corps and Conservancy would consult with NSD during design regarding the access road height and features.

L-5.2

Comment is correct that Alternatives 1 and 3 would include increased outfall length of approximately 500 feet. Alternative 2, as revised, would include increased outfall length of approximately 400 feet. The addition of a minor extra length to a 13,070-foot pipeline is not expected to contribute to increased pumping needs or pumping costs. It is likely that the replacement pipe would be HDPE, which has far less friction than the existing concrete pipe, and thus any effects of increased length are likely to be outweighed by the decrease in interior pipe friction.

Tom Gandesbery
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

September 11, 2002

Re: Bel Marin Keys Unit V
Expansion of the Hamilton
Army Airfield Wetland Restoration
Project
Novato, Marin County, CA

Thank you for the opportunity to comment on your project to restore this important wetland area. While it is not the purview of our agency to select a preferred alternative, although we would probably select the alternative that creates the least acreage of mosquito breeding habitat (Table 4-6, page 4-61), however you acknowledge that each alternative is a decrease from the existing 1,556 acres of potential breeding habitat. We are advocates of restoration projects and do not want to make a recommendation on a particular alternative based on the least number of acres of mosquito breeding habitat, but rather would select the alternative that made the most of the land for a variety of objectives and goals. Consultation with the district once a particular alternative is selected could then further minimize and eliminate vector producing sites. The Marin/Sonoma Mosquito & Vector Control District has always prided itself on working together with agencies to implement both restoration and marsh creation projects. A fully functioning and properly maintained tidal or seasonal wetland can be produced with a minimum of mosquito problems. Changes in design structure can preclude certain species of mosquitoes from making these areas their home.

L-6.1

We would like to commend you for your thorough treatment of the potential for mosquito production and methods of control in your document. I believe this is one of the most complete treatments of this issue I have seen in EIR/EIS documentation in recent years. While the district has had a long history of controlling mosquitoes, especially *Culex tarsalis* in miles of field ditches over many decades in this area, properly constructed wetlands would

L-6.2

stop or minimize this aspect of our operation. With the recent human case of West Nile Virus (WNV) in Los Angeles, the district must redouble its efforts to minimize the creation of *Culex tarsalis* and *Culex pipiens pipiens* habitat. These two species are implicated as the primary and secondary vectors of WNV. More species of local mosquitoes may be found to be competent vectors of WNV. Bel Marin Keys Unit V has a long history of producing *Culex tarsalis*, therefore we must be diligent in not creating additional habitat for this particular mosquito. *Culex pipiens pipiens* breeds in foul water and is commonly found in catch basins and under homes with broken sewer pipes. It is commonly found in the Bel Marin Keys housing development. In addition we would like to say that Pacheco Pond has not been a source of mosquitoes due the fact that minimal vegetation surrounds the perimeter of the pond and the steeper slope of the pond discourages invasives such as cattails and tules. Finally our agency may sound like a broken record on this issue, but it is an important one. That is the issue of operations and maintenance for the wetlands. Usually there is a five-year evaluation period in which to correct certain problems, but after the five-year period the O&M budget no longer exists and if problems arise someone needs to assume the responsibility for the problem. We would like to see a plan to provide for long term operations and maintenance to exceed the five year post construction date.

L-6.2
Con't.

L-6.3

We look forward to working with you to minimize mosquito production once an appropriate alternative is selected and we can discuss these issues. Thank you again for the opportunity to comment on the project.

Sincerely,

Ronald D. Keith
Assistant Manager/Vector Ecologist

cc: Eric Jolliffe, U.S. Army Corps of Engineers, San Francisco District, Jim Wanderscheid, Chuck Krause, Piper Kimball

L-6 Marin-Sonoma Mosquito and Vector Control District (MSMVCD)

L-6.1

Mitigation PH-1 in the Draft SEIR/EIS includes consultation with MSMVCD during the detailed design phase.

L-6.2

Comments noted.

L-6.3

See the updated adaptive management plan in an appendix to the Final SEIR/EIS. The Corps monitoring period for this project is 13 years as noted on page 5-16 in the GRR. Longer-term responsibility for operations and maintenance will be the responsibility of the owner of the site (Conservancy and/or its successor in interest).

September 12, 2002

Comment Letter L-7

Tom Gandesbery
Coastal Conservancy
1330 Broadway #100
Oakland, CA 94612

Lyn Galal
U.S. Army Corps of Engineers
333 Market St. RM 721
San Francisco, CA 94105

RE: Review of Draft General Reevaluation Report and Draft
Supplemental EIR/EIS for Bel Marin Keys Unit V Expansion of the
Hamilton Wetland Restoration Project

Dear Tom and Lyn;

The City of Novato appreciates the opportunity to review the Draft Reevaluation Report and EIR/EIS for the Bel Marin Keys Expansion of the Hamilton Restoration Project. The City of Novato fully supports the inclusion of the Bel Marin Keys (BMK) property into the Hamilton Restoration Project and is looking forward to working with the Coastal Conservancy and the U.S. Army Corps to implement the vision for restoring the bayfront. The City strongly supports the public access and interpretive components that will serve to manage the overwhelming public interest in the project and serve to educate the public about the importance of our water resources and valuable functions that wetlands provide for flood plain management, water quality and wildlife purposes.

This letter summarizes our comments and suggestions resulting from our review. The comments are grouped into EIR/EIS comments, followed by comments on the Alternatives and recommendations for the project.

EIR/EIS

Construction Phasing

The EIR/EIS describes the proposed phasing of the project in Figures 3-3, 3-7 and 3-10 in which the construction of the public access elements (Bay Trail and Spur Trail) is proposed in Phase III. Likewise, cross-sections shown in Figures 3-2, 3-6 and 3-9 indicate a trail along the slope of the levee, but do not reflect a bench in the levee design to accommodate the public access improvements. These cross-sections should be modified to more accurately reflect the proposed access improvements, which would be benched into the levee design so as to minimize wildlife disturbance.

L-7.1

Because the public access components are to be constructed primarily along the existing and proposed levee system around the perimeter of the site, these improvements should be included in Phase I, rather than Phase III. While the City recognizes the need to limit public access during the construction phase of the project for obvious safety reasons, the construction of public access improvements would be the most cost efficient if these were included in the initial design and construction of the levee system. Phase III improvements should include gates, signs, benches, kiosks and other interpretive elements that are required to support opening the trail to public access.

L-7.2

Mitigation Measures for Potential Wildlife Disturbance

On page 4-92 the connection of the Bay Trail through the project area is described and mitigation measures are defined to address potential disturbance. Mitigation measure BIO-11 calls for development of a coordinated trail design and management plan with all of the responsible agencies including the City of Novato and the County of Marin. The City recently adopted a Hamilton Bay Trail and Public Access Plan in conjunction with the Coastal Conservancy, which encourages adaptive management through an interagency consultation process – which is consistent with the intent of this mitigation measure. However, the wording of the mitigation measures on page 4-96 appears to mandate seasonal closures.

Seasonal closure of the trail spur was not viewed as necessary by the interagency group that assisted in preparing the Bay Trail Plan, which included representatives from the Dept. of Fish and Game, Fish and Wildlife Service, Bay Conservation and Development Commission, Marin County Open Space District, County of Marin, as well as, the cities of Novato and San Rafael. Because the recommended design would bench the trail below the levee top, limiting the visibility of trail users to the wetland area, and providing limited view access at the end of the trail spur, seasonal closures were not determined as a necessary element, but rather were identified as an adaptive management measure. The potential impact is mitigated by design. The City would support seasonal closures through an adaptive management process involving the interagency team. The mitigation measure should be revised to indicate that seasonal closures may be implemented through the adaptive management interagency consultation process.

L-7.3

REEVALUATION REPORT

Recommended Plan

The City of Novato's General Plan designates the Bay Trail along the eastside of Pacheco Pond as shown in Alternative 2 and for these reasons

L-7.4

the City supports the Recommended Plan (Alternative 2) as consistent with the City's General Plan. The option to provide a spur trail to Novato Creek is also supported in the City's General Plan and would provide a unique opportunity for public access to Novato Creek which is currently extremely limited.

L-7.4
Con't.

Construction Timing

The option of constructing the sites in cells is preferable for several reasons: 1) construction of each cell in series will limit the area of construction activity at any one time and the resultant disturbance to both residents and wildlife during the estimated 13-year construction period; 2) as each cell is constructed the design team will undoubtedly learn from the results of the completed tidal cell and can apply these findings in the subsequent phases; and 3) the completed cell can provide more immediate habitat value and serve as a demonstration project for other restoration efforts as well as an educational opportunity for the public.

L-7.5

Interpretive Center

An Interpretive Center and trailhead is identified in Alternative 2 to be constructed in the northwestern portion of the BMKV parcel, with access from Bel Marin Keys Blvd. The site in Alternative 2 is within a narrow strip of land adjacent to the unincorporated community of Bel Marin Keys with very limited room for expansion and the potential to disturb the adjacent residential area. This facility is described as approximately 1,000-sq. ft. building housing exhibits and information on wetland restoration projects and local flora and fauna.

The City hosted a workshop with a wide range of agencies and non-profit funding sponsors regarding the possibility of developing an interpretive center at Hamilton last spring. The outcome of the workshop provided a vision for the Interpretive Center to also serve as a broader Watershed Science Program integrating stewardship projects throughout the area, coordinating volunteer activities, and providing for an educational program that could be utilized throughout the North Bay. The City has designated a preferred site as shown in Alternative 1 as the location for the Interpretive Center off of Hamilton Parkway within the Hamilton Community Park site. This site is a more appropriate location for an interpretive facility as it provides greater opportunities for an expanded program.

L-7.6

Real Estate Requirements

As part of the project, the Reevaluation Report outlines the real estate requirements as the responsibility of the local sponsor. The City recently received title to a portion of the project site area within the former Navy Ballfields on Hamilton. This land will be necessary for the Hamilton Restoration Project, and the City will work with the Coastal Conservancy to

L-7.7

ensure that the project can be implemented in a manner consistent with our mutual objectives.

L-7.7
Con't.

Project Support

The City of Novato supports the addition of the Bel Marin Keys parcel to the Hamilton Wetland Restoration Project and welcomes a partnership approach in implementing this vision of a restored bayfront at Hamilton. City staff is available to work with your project team to refine the project further in the design process and assist in its implementation. The City of Novato requests that any funding authorization for the project include an educational program and interpretive element to manage the public interest in this project and maximize public benefits as a model for other restoration efforts.

L-7.8

Please feel free to contact Hans Grunt, Principal Planner at 415-897-4342 or Steve Marshal, Project Planner at 415-899-1446 to discuss or clarify these comments.

Sincerely,

Jennifer Barrett,
Planning Manager

cc: City Council
Rod Wood, City Manager
Shirley Gremmels, City Clerk
Harry Graves, Community Development Director
Steve Wallace, Director of Public Works
Hans Grunt, Principal Planner
Steve Marshal, Project Planner
Steve Goldbeck, Bay Conservation and Development Commission
Rich Walter, Jones and Stokes, 268 Grand Ave, Oakland, CA 94610-4724
Craig Tackeberry, Marin County Flood Control District
Brian Crawford, Marin County Community Development Agency
Cynthia Murray, Marin County Board of Supervisors
Tom Selfridge, Novato Sanitary District
Chris DeGabrielle, North Marin Water District
Madeline Swartz, Chairman, Bel Marin Keys Community Services District, 4 Montego Key, Novato, CA 94949

L-7 City of Novato

L-7.1

The comment suggests adding a bench to the existing cross-sections to reflect specifics of trail design. While such a bench may be the ultimate design, details regarding specific trail design would be determined during the detailed design phase, during which the City of Novato would be consulted.

L-7.2

Suggestion for trail construction in phase I is noted and would be considered during detailed design. Trail improvements would be determined during the detailed trail design phase. As noted in chapter 3, the City of Novato would be consulted during detailed design of the proposed trails and during development of the trail management plan.

L-7.3

The preferred alternative does not include a trail spur; as such, seasonal closure of a spur is no longer included as mitigation relative to Alternative 2. Text in the SEIR/EIS has been changed to note that seasonal closures are not mandated, but should be considered during the development of a trail management plan for other project proposed trail segments.

L-7.4

Comments regarding the preferred alternative are noted. The Bay Trail in Alternative 2 has been modified to match the alignment shown in the City's General Plan, in regards to going around the west side of Headquarters Hill. Regarding the deletion of the spur from Alternative 2, a spur trail would have provided a unique public access opportunity to Novato Creek. However, given the concerns about sensitive habitat and species in Novato Creek at present and in the restored wetland areas in the future and local residential concerns about the proximity of access to residential areas, the spur has been deleted.

L-7.5

A phased approach was noted in the construction timing discussion of each of the 3 alternatives and would be considered during the detailed design phase of the project.

L-7.6

Refer to Master Response 14. The preferred alternative includes the interpretive center location on City property at Hamilton.

L-7.7

The comment is noted and the project sponsors look forward to working with the City regarding this aspect of the HWRP.

L-7.8

Comments noted. Funding authorization language is outside the scope of the SEIR/EIS, but the comment has been noted by the project sponsors.

Regarding the interpretive center, because it will be located on lands not required to achieve the project purpose, and because recreation development policy at ecosystem restoration projects dictates austerity in the planning and design of recreational facilities at proposed Civil Works projects, the interpretive center is outside the Federal project. The Corps will participate in facility development to provide access to and along project features, including a parking area, restrooms, trail and display boards (referred to as the “access area”). The Corps cannot petition for inclusion of an educational program in the authorization language.

September 16, 2002

Tom Gandesbery
California Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530

Eric Jolliffe
U.S. Army Corps of Engineers
San Francisco District
333 Market Street, 7th Floor
San Francisco, CA 94105

Subject: Bel Marin Keys Unit V Expansion of the Hamilton Wetland
Restoration Project Draft Supplemental Environmental Impact
Report/Environmental Impact Statement

Dear Mr. Gandesbery and Jolliffe:

Thank you for the opportunity to provide input on this project. We have the following concerns:

General Reevaluation Draft

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|---|---|-------|
| § | Page 2-12 incorrectly states that the District built Pacheco Pond. It is correctly described in SEIR/EIS on Page 4-15. | L-8.1 |
| § | Page 2-18 does not list the Marin County Flood Control and Water Conservation District as a potential source of dredged material. | L-8.2 |

EIR/EIS

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|---|--|-------|
| § | Page 4-57 indicates that the District is currently preparing a water management plan. We are not currently preparing one, but would like to work with the project sponsors as they prepare one in the methods described Pages 3-8 and 4-23. | L-8.3 |
| § | Page 4-140 describes access to the site off of Bel Marin Keys Boulevard, a county maintained road. It is not clear what type of surface is proposed for the access road. Incorporate the requirement to pave the approach in accordance with MCC 24.04.290. Incorporate a review of sight distance. Any work within the right-of-way will require an encroachment permit from the County of Marin. | L-8.4 |
| § | Page 3-21 describes an interpretive center, trailhead and parking area. The above comments regarding Page 4-140 also apply to these | L-8.5 |

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|--|-----------------|
| improvements. The interpretive center should provide adequate onsite parking that meets or exceeds the requirements of MCC 24.04.340. | L-8.5
Con't. |
| ξ Page 3-9 describes the bay trail. Similar to the above comments on the access road, a review of sight distance should be included. Any work within the right-of-way will require an encroachment permit. | L-8.6 |
| ξ The District has a need for ongoing disposal of dredge spoils. We request that provisions be incorporated into the project for the District to dispose of material on an ongoing basis. We understand that the project sponsors prefer local material, since it contains local seeds. We request that protocols be set up now on how local spoils can be placed through an agreement. | L-8.7 |
| ξ We request that the Conservancy/Corps keep the community informed of any changes that may affect the community status as a participant in the National Flood Insurance Program. | L-8.8 |
| ξ Novato Creek and its floodplain are not fully evaluated as part of restoration process. Novato Creek is one of the main drivers for flooding/sediment processes that are critical to establishment and maintenance of the marsh in conjunction with San Pablo Bay. The <i>Baylands Ecosystem Habitat Goals</i> Report states that this segment of Novato Creek provides a unique opportunity to recreate natural marsh/upland transitions. It also has the potential to enhance flood protection by expanding the tidal prism. NHC's report concludes that with the current restoration design the increase in tidal prism is really insignificant from a hydraulic standpoint. It is important to look at the entire system from a process approach. True restoration efforts attempt to mimic and recreate the natural processes-Novato Creek is integral to this mechanism. The Goals report also mentions that treated wastewater may be used to create freshwater managed wetlands. The needs of the Novato Sanitary District should be considered. | L-8.9 |

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Very Truly Yours,

**MARIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

Craig Tackabery
Senior Civil Engineer

c: Pat Balderama
C:\WINDOWS\TEMPLATE-184.doc

Liz Lewis
Jason Nutt
Tim Haddad, CDA

L-8 Marin County Flood Control and Water Conservation District

L-8.1

The description in the GRR has been corrected to match that in the SEIR/EIS.

L-8.2

MCFCWCD dredged material from Novato Creek has been noted as a potential source of dredged material in the GRR if the material is determined to be suitable for use as wetland cover by the DMMO, its reuse is cost-effective to the project and the timing and other parameters of the dredged material's availability are consistent with the project implementation process. The transport of dredged material, if accepted, to the appropriate project site location would be the responsibility of the dredged material supplier.

L-8.3

Text in the SEIR/EIS has been updated to reflect that the water management plan is not currently being prepared.

L-8.4 & 8.5

Refer to Master Response 14. In the preferred alternative, the interpretive center would be located on City of Novato property on Hamilton. Access road and specific requirements would be determined during the design phase. Since the interpretive center is within the City of Novato, City of Novato development standards would apply.

L-8.6

In the preferred alternative, the only permanent access from Bel Marin Keys Boulevard would be via the Bay Trail west of Headquarters Hill. There is no proposal to provide a permanent vehicular access route to BMKV from Bel Marin Keys Boulevard. If it is determined during the detailed design phase that trail construction would require encroachment into the public right of way, then an encroachment permit would be obtained.

L-8.7

See response L-8.2 regarding MCFCWCD dredged material from Novato Creek. Environmental review of dredging or transportation of dredged material is outside of the scope of the SEIR/EIS and is presumed to be conducted by the lead agency or agencies for dredging projects that may propose to place material at the BMKV site.

L-8.8

See Master Response 5 regarding flood insurance. The project sponsors do not expect that project changes would affect community status as a participant in the NFIP.

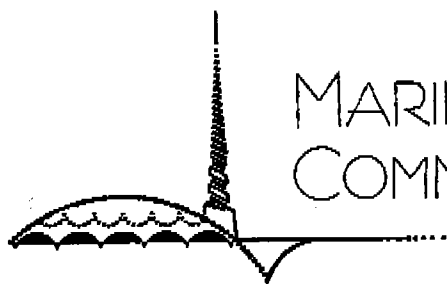
L-8.9

The BMKV expansion is limited to the land owned by the Conservancy adjacent to the HWRP and is proposed as an expansion of the HWRP to take advantage of some of the efficiencies available in pursuing restoration of the 2 areas together. While restoration of other former diked baylands in the lower Novato Creek watershed, such as the Black Point Antennae Field on the north side of Novato Creek, or other locations may be consistent with the Goals Report and may have potential gains for overall restoration of natural processes, these areas are not owned by the Conservancy and are outside the scope of the HWRP and the BMKV expansion.

While other portions of the Novato Creek watershed may offer opportunities to recreate marsh/upland transitions, as noted in Master Response 11 concerning habitat design, there were no uplands on the expansion site prior to 1850, and the site was entirely tidal in nature. Thus, while the project does include an upland component in the swale along the BMK south lagoon so as to provide a buffer between development and restored wetlands and to provide diverse components of habitat, the purpose of including upland is not to create a former upland/marsh transition that was present on the site. Re-creation of such transitions may be appropriate in other portions of the watershed where restoration is considered

The preferred alternative does increase the tidal prism of the lower reach of Novato Creek by opening a breach onto Novato Creek and lowering the BMKV/Novato Creek levee and opening the northern tidal cell to tidal action. The analysis of tidal hydraulics in the Draft SEIR/EIS concludes that the addition of tidal prism would result in an increase of the equilibrium tidal channel width and depth in lower Novato Creek. Further, the design of the preferred alternative, with an opening onto Novato Creek does restore the creek to its former marsh floodplain, in the areas adjacent to the expansion site.

Regarding the potential use of treated wastewater, this was considered as a potential alternative feature (Alternative Feature 14). As described in chapter 3 of the Draft SEIR/EIS, this alternative was dismissed from consideration in the Draft SEIR/EIS because reuse of treated wastewater is not a purpose or objective of the project, is not necessary to create or support wetland habitats onsite, and raises potential concerns about water quality and odor in areas adjacent to a residential area.



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
ALEX HINDS, DIRECTOR

Comment Letter L-9

September 11, 2002

Tom Gandesbery
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612

Eric Jolliffe
U.S. Army Corps of Engineers, San Francisco District
333 Market St., 8th Floor
San Francisco, CA 94105

SUBJECT: COMMENTS ON BEL MARIN KEYS UNIT V WETLANDS RESTORATION SEIR/EIS

Dear Messrs. Gandesbery and Jolliffe

Thank you for the opportunity to comment on the SEIR/EIS for the Bel Marin Keys Unit V Wetlands Restoration Project. After reviewing the SEIR it appears that concerns related to the Countywide Plan (CWP) and other adopted plans have generally been addressed although there are lingering issues related to flood control and view preservation. Comments below are based issues identified in our December 31, 2001 letter and additional issues that arose in review of the SEIR/EIS.

Bay Trail

Alternative alignments for the Bay Trail are shown in each of their alternative scenarios and appear to reflect the best alignment (either east or west of Pacheco Pond) based on the ultimate design of the wetlands area. Any adopted plan needs to provide a trail connection.

L-9.1

Agricultural Use

As mentioned in the initial comment letter from last year, conversion of the area to wetlands does not conflict with policies contained in the Countywide Plan related to agricultural preservation. Policies related to agricultural preservation in the BFC do discuss preservation as a desirable outcome, but primarily in the context of a development. It is staff's position that this project is not a 'development' in the context of the CWP and therefore is not subject to this policy. That said, if the project design is modified to include seasonal wetland habitat or other suitable lands, we would recommend that agriculture could be continued, to the extent it is viable.

L-9.2

Flood Protection

There have been issues about maintaining the +/- 300 acre flood easement within the project area as additional flood event capacity for Bel Marin Keys. It appears that this area has been designed into the restoration scenarios as seasonal wetlands separated from the rest of the tidal wetland area by a levee and, therefore, there should not be problematic. Of course, there needs to be considerable additional analysis of potential impacts as part of the hydrologic study.

L-9.3

Additionally, the F2 floodway designation, a zoning overlay in our code, is in place to ensure that sufficient flood capacity is maintained. Staff of the County's Department of Public Works/Flood Control staff will need to evaluate in detail your hydrologic study analysis of flood storage capacity as it relates to

L-9.4

SEP 12 2002

compliance with F2 provisions and whether it is appropriate to remove the designation. Arguably, without removing the F2 designation, it is not clear from the SEIR documentation that the F2 flood control requirements will be met with the proposed restoration alternatives. The hydrologic study needs to address this issue.

L-9.4
Con't.

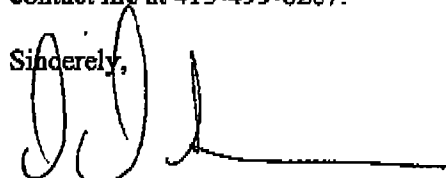
Levee Location and Views

The EIR/S Appendix C, Section 5.1 suggests alternative techniques to compensate for settlement, which include "(a) placement of additional fill above the intended finish grade of levees to compensate for anticipated settlement and sea level rise; (b) application of surcharge loads or other settlement acceleration techniques; or (c) avoidance of excessive fill placement." These are also included on Page 4-8 of the EIR/S. The view analysis on Page 4-182 is based only on the technique listed above under (a), which is a 4-foot surcharge. Please provide a more detailed analysis of the other options to determine if a lower surcharge can be accommodated.

L-9.5

Thank you in advance for addressing the concerns outlined above. If you have any questions, please contact me at 415-499-6287.

Sincerely,



DAN DAWSON, AICP
Senior Planner

c: Tim Haddad, Environmental Coordinator

L-9 Marin County Community Development Agency (MC CDA)

L-9.1

Comment noted.

L-9.2

The lead agencies agree with the CDA assessment that overall, the proposed project does not conflict with the CWP in relation to agricultural preservation in the context of the overall goals for the Bayfront Conservation Zone. The discussion of agriculture in the Final SEIR/EIS notes the CDA staff comment that the project does not represent “development” in the context of the CWP, and therefore is not subject to the agricultural preservation policies. The comment about continuance of agriculture is noted. However, given that existing agriculture (see Master Response 17 concerning agriculture) is not considered economically sustainable and considered the disruptance that agriculture would cause to the seasonal wetland and upland areas that would be also be adjacent to either Pacheco Pond or to the tidal wetland restoration area, continued agricultural use is not considered compatible with the proposed habitat restoration.

L-9.3 and L-9.4

See Master Response 2 regarding flooding and Master Response 3 regarding flood zoning and flood easements. As noted in the master responses, the project is not expected to worsen flooding, and would connect the site to adjacent water bodies in ways that would either result in no increase in peak flood levels or in the case of Pacheco Pond would actually lower peak stage, relative to the existing condition. This indicates that the effective role that the site plays in terms of flood control is at least being maintained and in part is actually being improved.

The Conservancy has entered into an Agreement with the City of Novato and MCFCWCD to conduct an additional hydrologic and hydraulic study that is expected to confirm the results of the studies conducted to support the SEIR/EIS impact assessment and allow the County to resolve the F2 zoning consistency issues prior to construction. The Agreement has been added as an appendix to the Final SEIR/EIS.

L-9.5

As noted in Master Response 1, the preferred alternative includes a lower initial construction height of 10 feet NGVD and a return levee raising at the end of the construction period, as an alternative to lower the overall visual impact of the new levees. Also, the location of the new outboard levee has been moved to a location further away from the BMK south lagoon to further reduce the potential aesthetic impact.